IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 2036 of 1998

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 25.9.1998 in W.P.No.25574 of 1998 on the file of the High Court.)

Between:

1. Assistant Director of Sericulture, Madakasir, Anantapur District.
2. District Collector, Anantapur.

.... APPELLANTS

And

1. V.Narayana Swamy Naidu, son of Pedanna, H.No.6/263,

   Lakshminagar, Anantapur.

2. Chairman-cum—Presiding Officer, Industrial Tribunal-cum-

   Labour Court, Anantapur.

.....RESPONDENTS

Counsel for the Appellants :GP FOR AGRICULTURE AND CO.OPERATION.

Counsel for the Respondent No.2..: GP FOR SOCIAL WELFARE AND LABOUR & Sri V.Venkata Ramana, Advocate for R-1

The Court made the following :

JUDGMENT : (Per Sri Justice G.Bikshapathy)

The writ appeal is filed against the order dated 25-9-1998 passed by this Court in W.P.No.25574 of 1998.

2. First respondent raised an industrial dispute under Section 2-A (2) of Industrial Disputes Act (for short 'the Act') challenging the order of termination. The Learned Tribunal, after considering the matter, passed an award dated 15th March, 1996 holding that the termination was illegal and directed the management to reinstate the workman continuity service but without back wages and other attendant benefits. The said award came to be challenged by the Department before this Court in the above Writ petition. The learned single judge refused to admit the same on the ground that no case is made out for admission and dismissed the same. Against the said order, the writ appeal has been filed.

3. The learned Government Pleader submits that the second respondent failed to consider the jurisdiction aspect and that the Sericulture Department is forming part of the Government, and therefore, it is an industry so as to attract the provisions of Industrial Disputes Act and that the Tribunal ought not to have entertained.

4. We are afraid we cannot accept such contention at this belated stage as no such specific contention was raised and even no evidence is adduced before the Tribunal.

5. Under those circumstances, we are not inclined to hear such a contention at the appellate stage as we do not find any merit in the writ appeal.

6. Accordingly, the writ appeal is dismissed. No costs.

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G.BIKSHAPATHY,J

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B.SESHASAYANA REDDY,J

Dvs

Dated 1st December, 2004.

To

1. Chairman-cum—Presiding Officer, Industrial Tribunal-cum-Labour Court, Anantapur.

2. Two C.Cs. to the Government Pleader for Social Welfare and Labour, High Court Buildings, Hyderabad.

3. Two CD copies.

4.2 CCs to GP for Agriculture & Cooperation, High Court of AP, Hyderabad.

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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